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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,446	03/10/2004	Jeffrey Marshall Lloyd	AEI-196-C	4419

7590 07/11/2006

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EXAMINER
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ILAN, RUTH

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/797,446	<b>Applicant(s)</b> LLOYD, JEFFREY MARSHALL	
	<b>Examiner</b> Ruth Ilan	<b>Art Unit</b> 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/10/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 16 is objected to because of the following informalities: Claim 16 depends from itself. For the purposes of examination, it will be assumed that claim 16 is intended to depend from claim 15. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 13-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claims 15, 17, and 19, these claims recite "the rocker arm" and "the push rod". There is insufficient antecedent basis for this limitation in the claim. Claim 13 is particularly problematic. It appears that the Applicant has attempted to invoke 112 6<sup>th</sup> paragraph by reciting "mounting means for improving camber gain and roll center control and for providing variable caster control and progressive spring rates, while increasing shock piston velocities" First of all, a review of the specification does not provide sufficient detail to enable the Examiner to understand the scope of the claim, i.e. the particular structural details that perform the function. The Examiner directs the Applicant's attention to the specification, which indicates generally that the location of the mount can be optimized, but does not give details as to how. If a

Art Unit: 3616

"means or step plus function" limitation recited in a claim is not supported by corresponding structure, material or acts in the specification disclosure, then the scope is not sufficiently clear (see MPEP 2185.) Additionally, regarding claim 13, "means for improving" is indefinite, because "improving" is a relative term, or term of degree which renders the claim indefinite. The level of improvement is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Additionally regarding claim 13, "variable caster control" is misleading because the caster control is set by the geometry and does not vary.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 6, 7-9, 12, and as best understood, 13-16, 19 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Zadok (US 2003/0122336 A1) Zadok teaches a strut suspension for a vehicle body including a shock absorber and spring assembly (18, 20) mounted at one end (the lower portion) to an upper portion of the steering knuckle (14) and a transverse link (28) connected to the steering knuckle opposite from the shock absorber and spring mount location and further including a

Art Unit: 3616

rocker arm (22) supported pivotally on the vehicle body (at 26) and pivotally connected to the shock absorber and spring assembly at an opposite end from the steering knuckle (at 24) and pivotally connected to a push rod (42) which is connected between the rocker arm and the transverse link (via lever 38). The upper portion of the strut is connected to an outboard portion of the rocker arm and push rod is connected to an inboard portion of the rocker arm (see Figure 2.) The lower portion of the push rod is connected to a lower portion of the steering knuckle via the transverse link.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4, 5, 10, 11, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zadok (US 2003/0122336 A1.) Zadok is discussed above, and fails to teach that the upper portion of the shock absorber is connected to the inboard portion of the rocker arm. However, it would have been obvious to one having ordinary skill in the art at the time of the invention to reverse the pivot points for the shock absorber and the vehicle mount to accommodate vehicle chassis of differing structure. It has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. Additionally, it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

***Conclusion***

Art Unit: 3616

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Carstedt et al., Duphily et al., Heap, Ogiso, Utz, Zadok ('313), and Fujita et al. teach suspension systems of interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth Ilan whose telephone number is 571-272-6673.

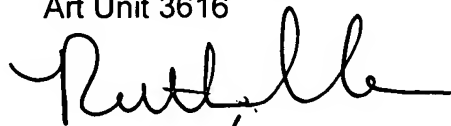
The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RI  
6/29/06

Ruth Ilan  
Primary Examiner  
Art Unit 3616



6/29/06